

October 20, 2020

VIA ECF FILING

Honorable Theodore D. Chuang
 United States District Judge
 U.S. District Court
 For the District of Maryland
 6500 Cherrywood Lane
 Greenbelt, Maryland 20770

Re: *Yvonne Alston v. Equifax Information Services, LLC, et al.*
TDC-20-0593

Dear Judge Chuang:

We represent Defendants Experian Information Solutions, Inc. (“Experian”) and Trans Union, LLC (“Trans Union”) (together, “Defendants”) in the above-referenced case. Pursuant to the Court’s Case Management Order, the Defendants request a pre-motion conference to allow them to file Motions to Dismiss for Failure to Participate in Discovery.

On August 1, 2020, Experian timely served Interrogatories and Requests for Production of Documents on Plaintiff. On August 19, 2020, Experian timely served Requests for Admissions on Plaintiff by both email and mail. On June 30, 2020, Trans Union properly served Plaintiff with its First Set of Interrogatories, First Requests For Production and First Requests For Admission. Under the Federal Rules of Civil Procedure, Plaintiff was required to respond to these discovery sets within thirty days. On July 31, 2020, Trans Union contacted Plaintiff in good faith to provide Microsoft Word versions of its discovery requests. To date, Plaintiff has not provided any discovery responses at all to the Defendants. Plaintiff has not sought an extension from the Defendants nor has Plaintiff sought protection or an extension from the Court. Plaintiff has also acknowledged that she owes Defendants responses to their discovery requests.

The Defendants are prejudiced by Plaintiff’s failure to provide discovery. As just a few examples of the prejudice Defendants have suffered, they have been unable to determine the facts that support Plaintiff’s allegations, review relevant documents, determine what documents even exist, and identify witnesses. They have also been unable to meaningfully prepare for the court-ordered impending settlement conference.

Honorable Theodore D. Chuang
October 20, 2020
Page 2

Before Yvonne Alston¹ retained counsel, Experian's counsel attempted on two occasions to contact Plaintiff to confer about this Motion but received no response. Since Yvonne Alston retained counsel, Experian's counsel and Plaintiff's met and conferred but were unable to reach a resolution.

For the foregoing reasons, the Defendants respectfully request that they be permitted to file Motions to Dismiss as Sanction for Plaintiff's Failure to Participate in Discovery.

Very truly yours,

/s/

Joy C. Einstein
Counsel for Defendant Experian Information Solutions, Inc.

/s/

Robert J. Schuckit, Esq.
Counsel for Defendant Trans Union, LLC

¹ Notably, the Fourth Circuit has recently upheld an award of sanctions against Plaintiff, Yvonne Alston, as a result of her bad faith filing – an award of sanctions which Plaintiff has made no effort to pay. See Alston v. Trans Union, LLC, 789 Fed.Appx. 396 (4th Cir. 2020) (Memorandum Opinion).

**SHULMAN
ROGERS**

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, I served via CM/ECF a copy of the foregoing Request a Pre-Motion Conference to allow Experian to file a Motion to Dismiss as Sanction for Failure to Participate in Discovery:

Robert J. Schuckit
Schuckit & Associates, P.C.
4545 Northwestern Drive
Zionsville, IN 46077
Counsel for Trans Union, LLC

Nathan Daniel
Neuberger, Quinn, Gielen, Rubin
& Gibber, P.A.
One South Street, 27th Floor
Baltimore, Maryland 21202-3201
Counsel for Equifax Information Services, LLC

Jeffrey W. Styles
Washington Legal Group, LLC
1666 K. Street NW, Ste. 440
Washington, DC 20006
Counsel for Plaintiff

/s/

Joy C. Einstein